

# HOUSE BILL 456

P2

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CF SB 120

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By: **Delegates Morhaim, Busch, Branch, Hammen, Barve, McIntosh, Barkley, Barnes, Beidle, Bobo, Bohanan, Boteler, Burns, Cane, Cardin, Carr, Carter, Clagett, Conaway, Cullison, Davis, Feldman, Glenn, Griffith, Gutierrez, Guzzone, Haynes, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Mitchell, Murphy, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Valentino-Smith, Vaughn, Walker, and Washington**

Introduced and read first time: February 7, 2011

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Minority Business Participation**

3 FOR the purpose of continuing until a certain date the provisions of the State  
4 Procurement Law relating to procurement from minority businesses; requiring  
5 a certain study and a final report on the study by a certain date; and generally  
6 relating to minority business participation in State procurement.

7 BY repealing and reenacting, with amendments,  
8 Article – State Finance and Procurement  
9 Section 14–309  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2010 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Chapter 116 of the Acts of the General Assembly of 1995, as amended by  
14 Chapters 495 and 496 of the Acts of the General Assembly of 2000,  
15 Chapter 339 of the Acts of the General Assembly of 2001, and Chapter  
16 359 of the Acts of the General Assembly of 2006  
17 Section 2

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 14–309.

3 The provisions of §§ 14–301 through 14–305 of this subtitle, and any regulations  
4 adopted under those sections, shall be of no effect and may not be enforced after July  
5 1, [2011] **2016**.

6 **Chapter 116 of the Acts of 1995, as amended by Chapters 495 and 496 of the**  
7 **Acts of 2000, Chapter 339 of the Acts of 2001, and Chapter 359 of the Acts of**  
8 **2006**

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency,  
10 in consultation with the General Assembly and the Office of the Attorney General,  
11 shall initiate a study of the Minority Business Enterprise Program to evaluate the  
12 Program’s continued compliance with the requirements of the Croson decision and any  
13 subsequent federal or constitutional requirements. In preparation for the study, the  
14 Board of Public Works may adopt regulations authorizing a unit of State government  
15 to require bidders and offerors to submit information necessary for the conduct of the  
16 study. The Board of Public Works may designate that certain information received in  
17 accordance with regulations adopted under this section shall be confidential.  
18 Notwithstanding that certain information may be designated by the Board of Public  
19 Works as confidential, the certification agency may provide the information to any  
20 person that is under contract with the certification agency to assist in conducting the  
21 study. The study shall also evaluate race neutral programs and other methods that  
22 can be used to address the needs of minority businesses. The final report on the study  
23 shall be submitted to the Legislative Policy Committee of the General Assembly prior  
24 to [September 30, 2010] **SEPTEMBER 30, 2015**, so that the General Assembly may  
25 review the report prior to the [2011] **2016** Session.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 July 1, 2011.